IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4519 OF 2006

1.Prem Wandar Patil,
2.Sudhir Wandar Patil, &
3.Anil Dinkar Patil. ...Applicants.

Versus

State of Maharashta ...Respondent.

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Mr.A.P.Mundargi, Sr.Counsel, for Applicants.
Mr.Rajesh More, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 14th March, 2007.

P.C.:

1. Heard the learned Senior Counsel for the Applicants and the learned APP for the State.

2. The applicants who are original accused Nos.5, 6 & 7 are seeking bail in CR No.I-73/2006 of Manpada Police Station, Dombivli. The said case is under Section 302 of IPC.

3. As far as applicant No.1 Prem Wandar Patil and applicant No.3 Anil Dinkar Patil are concerned, they have been named by the First Informant in his FIR. He has stated that

applicant No.3 Anil Patil has assaulted Rohidas (deceased) on head with sword and applicant No.1 Prem Patil assaulted the deceased Rohidas on head with iron rod.

4. The learned APP has stated that there is recovery of blood stained sword and blood stained iron rod at the instance of these accused persons. The postmortem report and medical certificate appear to be consistent with the act of these accused persons. Hence, I am not inclined to grant bail to applicant No.1 Prem Wandar Patil and applicant No.3 Anil Dinkar Patil.

5. As far as applicant No.2 Sudhir Wandar Patil is concerned, there is no reference to his name in the FIR. However, three witnesses implicate applicant No.2 Sudhir Wandar Patil. They have stated that applicant No.2 Sudhir Patil assaulted the deceased on head with stone and thereafter this stone was taken by applicant No.3 Anil Patil and Anil Patil assaulted with the said stone on head of the deceased. The statements of two of these witnesses were recorded a week after the incident. As far as this role being

attributed to applicant No.2 Sudhir Patil is concerned, as observed earlier by me, the complainant has not mentioned the name of this accused applicant No.2 Sudhir Patil. Moreover no such role is attributed by the complainant either to this applicant No.2 or to Applicant No.3 Anil Patil as stated by these witnesses.

6. In this view of the matter, I am inclined to grant bail to applicant No.2 Sudhir Patil only.

7. The applicant No.2 Sudhir Wandar Patil to be released on bail in the sum of Rs.20,000/- with one or two sureties to make up the said amount. The applicant shall report to Manpada Police Station, Dombivli once in a fortnight.

8. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)